

# Public Records Policy and Procedure

## Indiana Department of Labor

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### Purpose:

It is the policy of the Indiana Department of Labor that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Providing persons with the information is an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.

### Scope:

This policy applies to all agency employees, embedded employees and board and commission members and to all requests for Public Records, whether received from the media or the general public.

### Policy:

The Indiana Access to Public Records Act requires that the Indiana Department of Labor provide to the public any Public Records that have not been deemed confidential or exempted from disclosure by state or federal law.

Following is the procedure to be followed when any person other than an employee of the Indiana Department of Labor requests a copy of any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with the Indiana Department of Labor. Such a request is a request for a "Public Record".

1. All requests for Public Records in the possession or control of the Indiana Department of Labor shall be **in writing** (e-mail is permissible) to ensure the accuracy of the request. A sample Request for Public Records form is attached, but is not mandatory. Any written request should contain the same information as appears on the Request for Public Records form (e.g. *if a requesting letter contains all the information, the requester is not required to complete the form as well*).
2. A separate file (electronic or hard copy) shall be created for each and every Request for Public Records.
3. One or more data bases shall be maintained by the agency that accurately reflects each Public Records request, when it was received, acknowledged, paid and fulfilled, in addition to any other information deemed necessary.
4. All requests for Public Records shall be **acknowledged**, in writing (email is permissible), within seven (7) days of receipt of the request, unless the requester

submits a written request in person, in which case an acknowledgement in writing shall be made within twenty-four (24) hours as required by statute. A copy of the acknowledgement shall be placed in the request file.

5. Requests for Public Records in the possession of **IOSHA** shall be delivered to legal counsel of IOSHA or deputy commissioner of IOSHA, whose designee shall enter the pertinent information into the Public Records Request tracking database and forward the request to the "Reviewer".
6. Requests for Public Records **NOT** in the possession of **IOSHA** shall be delivered to General Counsel or his/her designee (who may be the agency PIO in the event of a media request), who shall enter the pertinent information into the Public Records Request tracking database and forward the request to the "Reviewer".
7. The **Reviewer** will determine if any of the requested records are non-disclosable. The Reviewer will generally be the agency General Counsel, a Deputy Attorney General, or the Commissioner of Labor.
8. The Reviewer will explicitly indicate, in writing, which if any of the records are non-disclosable and have been withheld. A copy of the Reviewer's determination shall be placed in the request file.
9. The request will then be forwarded to the Indiana Department of Labor employee designated to gather the records to fulfill the request.
10. Once the Public Records responsive to the request have been gathered, a **letter of transmittal** shall be prepared by, or under the supervision of the Reviewer. A copy of the letter of transmittal shall be placed in the request file. Such letter of transmittal may be an email.
11. The Indiana Department of Labor may not charge a fee to view, search for, or examine a Public Record or to review a Public Record to determine whether it is disclosable. The Indiana Department of Labor will charge \$.10 per letter and legal sized page for photo copying, and will charge \$.022 per letter or legal sized page which is scanned and sent electronically in accordance with Indiana law. The Department of Labor will charge the requester the shipping fee actually incurred by the Department of Labor to ship the Public Records and the actual cost of any CD to which documents are burned if applicable. A copy of the Invoice shall be placed in the request file. If no Invoice is issued, a copy of a notation waiving the copying fee shall be placed in the request file. Any charge less than \$5.00 for copying or scanning documents responsive to a single request shall be waived.
12. Advance payment for all Public Records requests shall be required unless waived in accordance with paragraph 11 above or other basis. Notice to the requester of the amount of advance payment required shall be made by the agency. Upon receipt of payment, the appropriate agency employee shall mail the requested records.
13. In the event Public Records are delivered in electronic format (e.g. burned to a CD or transmitted via electronic mail) a photocopy of the **labeled** CD, a duplicate CD, and a copy of the electronic mail transmittal shall be placed in the request file.

14. A complete copy of all documents transmitted shall be retained in the agency's file.
15. The agency's file shall include evidence of fulfilling the request, such as the letter of transmittal, email receipt, or signed receipt by the requestor.

This Policy and Procedure repeals and replaces all previous Indiana Department of Labor policies concerning the same subject.

Effective October 15, 2008.



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Lori Torres, Commissioner  
Indiana Department of Labor

October 15, 2008

Date



Indiana Department of Labor  
402 W. Washington Street,  
Room W195,  
Indianapolis, Indiana 46204

## PUBLIC RECORDS REQUEST FORM

A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency. (*Indiana Code 5-14-3-3*)

### REQUESTER INFORMATION

Name \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State/Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

### DESCRIPTION OF RECORDS REQUESTED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requesters Signature \_\_\_\_\_ Date \_\_\_\_\_

☐ I wish to inspect the requested records and do not want copies produced at this time.

☐ I would like copies of the requested records and I understand that I will be contacted with a count of the number of pages to be copied and their cost prior to copying. I understand and agree that I will be required to make payment for the copying costs prior to the requested documents being copied.

☐ I would like copies of the requested records to be transmitted electronically to my email address.

### For Office Use Only

Received by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Acknowledgement Sent by: \_\_\_\_\_ Acknowledgement Date: \_\_\_\_\_

Amount \$: \_\_\_\_\_ Date Paid: \_\_\_\_\_

Date Material Mailed: \_\_\_\_\_ Date Closed: \_\_\_\_\_

Public agencies may charge fees for copies. No fees may be charged for inspection. Certain records have fees that are set by the state or local law, such as accident reports and lien records. For state executive offices, the uniform copying fee is \$0.10 per page. For non-standard materials, such as maps, surveys, and tapes, an agency may charge the actual cost of duplication, which may not include labor, overhead, or search fees.